



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

December 14, 2015

Mr. Joe Stout, Acting State Director
Bureau of Land Management
California State Office
2800 Cottage Way, Suite W-1623
Sacramento, California 95825

Subject: Proposed Land Use Plan Amendment and Final Environmental Impact Statement for the Desert Renewable Energy Conservation Plan, Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego Counties, California (CEQ#20150315)

Dear Mr. Stout:

The U.S. Environmental Protection Agency has reviewed the Desert Renewable Energy Conservation Plan Proposed Land Use Plan Amendment and Final Environmental Impact Statement pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The EPA commends the Bureau of Land Management for the conservation designations included in the Proposed BLM Plan. The 5.3 million acres of National Conservation Lands, Areas of Critical Environmental Concern, and Wildlife Allocations that would be established through this Plan include lands of great biological, cultural, and scenic value, whose protection would mark a significant addition to the rich tapestry of desert lands that have been conserved in Southern California.

The EPA reviewed the DRECP Draft Environmental Impact Statement and provided comments to the Renewable Energy Action Team (REAT) agencies on February 23, 2015. While strongly supportive of the comprehensive habitat conservation planning approach proposed in the Draft EIS, we rated the Preferred Alternative and the document as Environmental Concerns – Insufficient Information (EC-2) due to concerns regarding a range of issues, including: potential impacts to ephemeral streams and other sensitive waters; the impacts of construction and fugitive dust emissions; and the inclusion of Silurian Valley as a Special Analysis Area. We provided recommendations regarding the need for updated and/or additional information to be included in the Final EIS pursuant to these and other concerns.

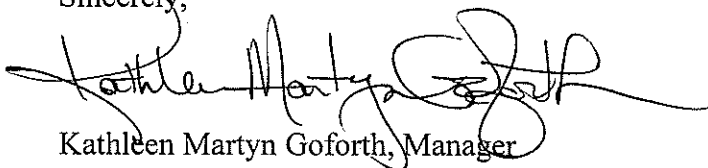
We thank the BLM for the responses, included in the FEIS, to many of the concerns that we raised in our comments on the DEIS. In particular, we appreciate the additional information provided on the potential impacts to sensitive water resources from renewable energy activities within the Plan Area, including the potential impacts to surface waters from groundwater depletion, as well as the discussion of potential air emissions from the construction and operation of renewable energy and transmission development projects. We are pleased that the Silurian Valley Special Analysis Area proposed in the Draft DRECP Preferred Alternative has been designated as part of the BLM Land Use Plan Amendment (LUPA) Conservation Designations under the Preferred Alternative in the DRECP Proposed LUPA and FEIS, and that a discussion of CEQ's climate change guidance was included in the FEIS.

Subsequent to the close of the DEIS public comment period, the REAT agencies announced that the DRECP would be completed in two phases, with Phase I dealing with BLM-administered lands within the Plan Area, and Phase II encompassing the non-federal lands. While splitting the Plan into two phases facilitates moving forward on federal land planning, the FEIS notes that "BLM lands tend to be less disturbed and have higher biological and other resource values," compared to private lands in the Plan area, and the REAT agencies are assuming "40 percent of renewable energy development in the DRECP area occurring on BLM land by 2040", even though just "19% of the DFAs in the Draft DRECP Preferred Alternative were located on public lands" (p. F-6). The FEIS states that this proportionately higher rate of renewable energy development on BLM land was assumed because of greater uncertainty surrounding private land development. The need remains for a coordinated strategy for thoughtful renewable energy development on disturbed lands, combined with landscape-scale conservation. Since many of the counties in the Plan area have already implemented, or are currently working on, updates to their general plans specific to renewable energy production, we encourage the REAT agencies to continue to work, during the Phase II private lands planning process, with the counties, the EPA, and other stakeholders, to identify sites for renewable energy production that are disturbed or have low resource conflicts, as well as lands that should be excluded from proposed development because of their conservation value.

The EPA acknowledges the conservation and management actions, such as setbacks for riparian waters, that are included in the revised Plan; however, we continue to believe that further efforts are needed to help to steer renewable energy development away from potential conflicts with the protection of sensitive waters. As noted in our comments on the DRECP Draft EIS, the boundaries for the Development Focus Areas (DFA) were based on a level of assessment that underestimated the reach and extent of waters, including waters of the United States. We recommended that the REAT agencies utilize an algorithm for mapping ephemeral stream channels, developed by scientists at the Argonne National Laboratory, to assist with a planning-level delineation of aquatic resources in the proposed DFAs. To ensure that sensitive waters are avoided to the greatest possible extent as implementation of the DRECP proceeds, we recommend that the REAT agencies consider utilizing the Argonne mapping tool for any future planning and environmental analyses conducted for proposed renewable energy development within the Plan Area; for example, by applying it to parcels that may be offered as part of a competitive leasing auction in the Riverside East Solar Energy Zone, or for project-specific NEPA.

We appreciate the opportunity to review this LUPA and FEIS. If you have any questions, please contact me at (415) 972-3521, or contact Jason Gerdes, the lead reviewer for this project. Mr. Gerdes can be reached at (415) 947-4221 or gerdes.jason@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen Martyn Goforth', written over a horizontal line.

Kathleen Martyn Goforth, Manager
Environmental Review Section

cc: Vicki Campbell, DRECP Program Manager, Bureau of Land Management
Ken Corey, Assistant Field Supervisor, U.S. Fish and Wildlife Service